



NEW YORK STATE SENATOR

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Senator Helming Applauds Court's Ruling on Unconstitutionality of CDPAP Cuts

PAMELA HELMING October 16, 2019

Cuts made during this year's budget process that were threatening care for hundreds of thousands of disabled and elderly New Yorkers who rely on the Consumer-Directed Personal Assistance Program (CDPAP) were ruled unconstitutional in a recent Supreme Court ruling. CDPAP allows individuals to hire their own caregivers under the direction and supervision of fiscal intermediaries who ensure that they are receiving appropriate care. Without this Court ruling, reimbursement rates that were cut for these intermediaries would cause many agencies to shutter or downsize, leaving many individuals and families with no other option, but nursing homes and group home care.

"The CDPAP works for both the disabled and their families. It provides critical support to those who need it most. As someone who began her career as a case manager for developmentally disabled individuals, I know how important quality staff and caregivers are. They make a difference each and every day in the lives of those they serve. The CDPAP also makes sense from a taxpayer perspective because it allows people to maintain their independence and stay out of expensive, long term group home and nursing home care. There is a chronic staffing problem at virtually every healthcare and group home facility in the region and these cuts would just further exacerbate an already bad situation. We need to treat those with disabilities as individuals and recognize their right to make decisions about

their care themselves, not push a one-size fits all policy that will undoubtedly lead to a lower quality of care and higher costs. This ruling is a win for the disabilities community and I applaud the many advocates I worked with on this issue for their grassroots efforts to advocate against these cuts,” said Senator Helming.

According to the CDPAANYS, the CDPAP allows Medicaid recipients in need of personal care, home health and nursing services to recruit, hire, train, supervise and terminate their own personal assistants. Under CDPAP, people with long-standing illnesses or disabilities have much greater control and freedom over their own care than under traditional home care services. They are able to hire friends or loved ones to work for them, thus eliminating potential stress from strangers in the home or language/cultural barrier issues. CDPAP consumers allocate weekly hours on a flexible day-to-day basis, rather than following a daily schedule of hours set by a third party. The program ultimately provides consumers with controls that many take for granted.